

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/091,510 12/17/98 TOWNSEND

C 2365-104

LM01/0201

ROTHWELL FIGG ERNST & KURZ  
555 13TH STREET NW  
SUITE 701 E  
WASHINGTON DC 20004

EXAMINER

HUANG, S

ART UNIT	PAPER NUMBER
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2711

*8*

DATE MAILED:

02/01/00

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

## Office Action Summary

Application No. 09/091,510	Applicant(s) Townsend et al.
Examiner Sam Huang	Group Art Unit 2711



Responsive to communication(s) filed on Nov 18, 1999

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle* 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claim

- Claim(s) 1-8 and 10-69 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- Claim(s) \_\_\_\_\_ is/are allowed.
- Claim(s) 1-8 and 10-69 is/are rejected.
- Claim(s) \_\_\_\_\_ is/are objected to.
- Claims \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

- Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All  Some\*  None of the CERTIFIED copies of the priority documents have been received.
- received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

- Notice of References Cited, PTO-892
- Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- Interview Summary, PTO-413
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's arguments with respect to claims 1-69 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 46-58, 69 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The amended independent claim 46 contains the limitation of "a second broadcast entry level for enabling a user to enter directly a predetermined one of the first, second, and third broadcast interactive levels" which is considered essential and critical subject matter that is not disclosed in applicant's specification.

Applicant refers to pages 21-22 of the specification regarding the limitation in question. Examiner has once again reviewed the paragraphs containing in pages 15-23 and has seen no such disclosure of the limitation. Accordingly, such limitation is deemed new matter.

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***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 6-14, 16-17, 28-30, 32-37, 39-40, 46-50, 52, 54-55, 57-64, 66, 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin et al. (WO 95/01058, hereinafter “Florin”).

Regarding claims 1, 28, Florin discloses an AV system for selectively viewing and interacting with programs and services from a number of program/service sources with a transceiver for receiving broadcast digital television signals (see page 25, 1st paragraph) representing both video and information data and displaying such data as an interactive image, and being responsive to viewer manipulation of an input device to vary the interactive image and to establish a telecommunications link to a remote site between the viewer and the remote site (see Summary of the Invention).

Pursuant to applicant's amendment dated November 18, 1999, applicant admits that “in the first paragraph of page 31 of Florin, it is stated that the transceiver may comprise additional modules, ***such as a modem*** ...[but] Florin fails to specify how the modem could be used in the interactive services...” (Page 4 of Applicant's amendment). Using a modem for establishing a telecommunications link is extremely well known in the art. Accordingly, it would have been

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obvious to one of ordinary skilled in the art to use additional modules, such as a modem, in Florin to establish a telecommunication link since a modem is capable of modulating and demodulating signals and transmitting the signals over data communication facilities with speed.

As for claims 2, 3, 11, 12, 29, 35, Florin reveals an AV decoder 74, memories 80, 75 and 65 for storing information data including on-line data, and a CPU 63 for processing and executing the stored information data (see Figure 2).

As for claims 4, 30, Florin teaches that the CPU 63 responds to viewer's remote control device 60 and its inputs (Id.).

Concerning claims 6, 32, 33, Florin shows a transceiver 54 receiving video image data and a AV decoder 74 to decode the image data for display in the interactive image (Id.).

As for claims 7 and 8, Florin provides for a remote control device 60 with a keypad (see Figs. 4a, 4b, 5a, 5b).

As for claims 9, 10, 34, Florin also discloses a modem for establishing a telecommunications link (p. 31, line 2) and a CPU 63 for processing the data received via the modem (pgs. 24-31).

Regarding claims 13, 14, 66, 36, 37, 68, Florin teaches a CPU 63 responding to viewer's input via the remote control device in accordance with the program data, and a plurality of interactive display screens each individually displayable (see Figs. 11-13 and General Systems Configuration).

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As for claims 16, 39, Florin further discloses a CPU 63 which derive data representing an interactive screen from the on-line data (see Home Shopping Interface, p. 71-73).

Concerning claims 17, 40, Florin displays the interactive screens in a hierarchical order in response to viewer's input (p. 34, 2nd full paragraph).

Regarding claims 46-50, 52, 54, 55, 57, 58, Florin discloses an interactive services interface with a transceiver comprising: a broadcast entry level with range of available service type (see Figs. 43-50); a first interactive level with a group of service providers to select from (Id.); a second interactive level for the user to select a range of classes of goods (Id.); and a third interactive level for the user to select goods from the selected class (Id.); and a modem for transmitting and receiving of on-line signals (pgs 24-31); wherein the first level is for placing an order, the second level is for completing the order and the third level is for confirmation of the order; and wherein the each level is associated with an interactive screen (Id.).

Assuming arguendo that applicant's specification contained disclosure regarding "a second broadcast entry level for enabling a user to enter directly a predetermined one of the first, second, and third broadcasting interactive levels." The method of allowing a user to select and directly "enter" and access, from a main interactive display menu, any level of a multilevel interactive system is extremely well known since such method provides the user with direct access without having the user to go through layers and sublayers of interactive screens to achieve the desired feature. This is time saving method that is extremely well known in the interactive screen art.

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As for claims 59 and 60, Florin shows an interactive image with a constant background image and a changeable preview picture (see Figures 18-22) wherein the preview picture appear to form a single continuous interactive image; also a changeable graphic overlay (Id.).

Concerning claims 61, 62, 63, 64, Florin further discloses an interactive TV system comprising an interactive electronic program guide providing scheduling of programs and an order list of channels to the viewers (pgs 6-7).

As for claim 69, please see comments regarding claim 46.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Assuming applicant's claimed subject matter pertains to the method and apparatus of displaying on a screen a fraction of larger image (zoom-in feature) which is too large to be discernable if displayed, Claims 18-22, 41-45, 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin.

Regarding claims 18-22, 41-45, 56, although Florin discloses an interactive TV system with a home shopping interface with displays of stores and goods to the user, Florin fails to specifically show how to present on the screen all the available information when there is too much information for it to be viewed in its entirety at the same time. However, the solution or

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the teaching is extremely well known in the computer display art. In particular, virtually every text processing program enables the user to maneuver around the text (page up or down, scroll bar) in order to view parts of the file which is not displayed on the screen. Therefore, it would have been obvious to one of ordinary skill in the art to include such feature so that the information would be presented in its entirety for the user with clarity.

8. Claims 5, 15, 31, 38, 51, 53, 65, 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin et al. (WO 95/01058) in view of Hendricks et al (WO 94/14284, hereinafter "Hendricks").

Regarding claims 5, 15, 31, 38, 51, 53 Florin fails to specifically disclose stored information data comprising template data and a processor to construct the data representing the interactive image from received information data and the stored template data. However, Hendricks teaches a reprogrammable terminal for suggesting programs offered on a television program delivery system comprising reprogrammable software stored in memory and processed by the processor for generating and changing menu formats, templates, logos, colors of the display (page 4, lines 15-27 and pages 19-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Florin by the teachings of Hendricks so that the look and feel of the system can accommodate and perform useful functions created by other manufacturers.

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As for claims 65 and 67, Florin teaches a CPU 63 responding to viewer's input via the remote control device in accordance with the program data, and a plurality of interactive display screens each individually displayable (see Figs. 11-13 and General Systems Configuration).

9. Claims 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin et al. (WO 95/01058) in view of Diehl et al. (EPA 0562295A1, hereinafter "Diehl").

Regarding claims 23, Florin discloses a subscriber card reader, authorizing access to broadcast signals but fails to specifically disclose a transceiver which reads a plurality of cards. However, Diehl provides a method and apparatus for controlling several smart cards with several card readers 1, 2, 3 (see Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Florin by the teachings of Diehl in order to ease the conditional access of having to switch from one smart card to another each time the user desires to switch channels.

Regarding claims 24-27, Florin teaches a subscriber card reader but does not specifically disclose that the cards are issued by a financial institution, with a magnetic strip, a smart card or a cash value card. The use of these cards are extremely well known in the credit and banking card art. Accordingly, it would have been obvious to one of ordinary skill in the art to read the above cards to increase payment options and also to avoid delays in confirmation of payment via the postal service.

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*Conclusion*

**10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).**

**A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.**

**Any response to this action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-6306, -6296, (for formal communications; please mark "EXPEDITED PROCEDURE", for informal or draft communications, please label "PROPOSED" or "DRAFT")

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Huang whose telephone number is (703) 305-0627. The examiner can normally be reached on M-Th from 8:30 to 6:00 Eastern Standard time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

SH

January 29, 2000

*Andrew Faile*  
ANDREW I. FAILE  
SUPERVISORY PATENT EXAMINER  
GROUP 2700